



# MINUTES

## OCONEE COUNTY COUNCIL

### Regular Meeting

### February 06, 2024

#### MEMBERS, OCONEE COUNTY COUNCIL

Mr. John Elliott, District I  
Mr. Matthew Durham, Chairman, District II  
Mr. Don Mize, Vice Chairman, District III  
Mr. Julian Davis III, District IV  
Mr. Glenn Hart, Chairman Pro Tem, District V

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Amanda F. Brock, County Attorney David Root, & Jennifer C. Adams, Clerk to Council present.

**Press:** Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [[www.oconeesc.com/council](http://www.oconeesc.com/council)]. In addition, it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Andrea Kelley / The Journal

#### **Call to Order**

Mr. Durham called the meeting to order at 6:00 p.m.

#### **Moment of Silence**

Mr. Durham asked for a moment of silence prior to the Invocation.

#### **Invocation**

Mr. David Root, County Attorney, gave the invocation.

#### **Pledge of Allegiance**

Mr. Hart led the Pledge of Allegiance to the Flag of the United States of America.

#### **Approval of Minutes**

Mr. Elliott made a motion, seconded by Mr. Hart, approved 5 - 0, to approve the January 23, 2024 special meeting minutes as presented.

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## **Attorney's Comments**

Council made the following motions as requested by Mr. Root:

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to amend the agenda to add an Executive Session item to receive legal advice and discuss a contractual matter related to the Oconee Joint Regional Sewer Authority.

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to amend the agenda to add an Executive Session item to receive legal advice and discuss a contractual issue related to the cities of Seneca, Walhalla, and Westminster.

## **Administrator's Comments**

None at this meeting.

## **Public Comment Session**

*If you are not able to attend in person and you have a comment, you may submit it by contacting our Clerk to Council, Jennifer C. Adams at [jennifercadams@oconeesc.com](mailto:jennifercadams@oconeesc.com) or 864-718-1023, so that she may receive your comment and read it into the record.*

1. Mr. Tony Adams provided comments related to Council conduct during meetings.
2. Mr. Frankie Pearson provided comments related to Council conduct during meetings.

## **Council Members Comments**

Mr. Hart addressed the recent Facebook posting of a document restricting the number of chickens citizens could own, noting this was “bogus” and not an official Oconee County document.

Mr. Elliott stated he was not behind the posting of the above reference document.

Mr. Davis stated the document in question is included in the backup material from a previous Council meeting and was provided by a citizen, noting the he would like any citizen provided material that is added to backup to be labeled or stamped as “Not Official” and that the County should be more protective over the unauthorized usage of the County seal.

Mr. Mize agreed with Mr. Davis regarding stamping or labeling of citizen provide materials as “Not Official”.

Mr. Elliott inquired if the County had a trademark on the County seal.

Mr. Root, County Attorney noted that the County does have a common-law protection on the County seal and the Destination Oconee logo and added that cease and desist letters have been sent out in the past.

Ms. Brock informed Council that a stamp has been ordered that will state “CITIZEN PROVIDED MATERIAL NOT OFFICIAL OCONEE COUNTY DOCUMENT” and noted that any citizen material provided to Council, that is added to the backup, will have this stamp.

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Mr. Davis also requested that any official appearing logo or seal on citizen provided material be covered or removed from the document before adding it to the backup.

**Public Hearings for the Following Ordinances** *If you would like to be heard during either of the public hearings, please contact Clerk to Council Jennifer C. Adams at [jennifercadams@oconeesc.com](mailto:jennifercadams@oconeesc.com) or 864-718-1023 so that your participation by may be coordinated.*

**ORDINANCE 2023-24** AN ORDINANCE TO REZONE PARCEL 177-00-02-184 FROM THE CONTROL FREE DISTRICT TO THE LAKE RESIDENTIAL DISTRICT, PURSUANT TO OCONEE COUNTY CODE OF ORDINANCES CHAPTER 38, ARTICLE 8.

Mr. Durham opened the floor for Public Comment.

One citizen signed up to address Council but then declined to speak; Mr. Durham opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council and no citizen submitted or presented any written comments for the record.

Mr. Durham closed the Public Hearing regarding **Ordinance 2023-24**.

### **Third Reading of the Following Ordinances**

**ORDINANCE 2023-24** *[see caption above]*

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 - 0, to approve **Ordinance 2023-24** on third and final reading.

### **Second Reading of the Following Ordinances**

**ORDINANCE 2024-05** AN ORDINANCE TO APPROPRIATE AND AUTHORIZE THE EXPENDITURE OF FIFTY-SIX THOUSAND AND 00/100 (\$56,000.00) DOLLARS OF FUNDING UNDER THE LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021 (“ARPA”) FOR THE SENECA LIBRARY ADA RAMP PROJECT AND OTHER MATTERS RELATED THERETO.

Mr. Elliott made a motion, seconded by Mr. Davis, to approve **Ordinance 2024-05** on second reading.

Mr. Hart inquired if the above requested funding is under contract.

Mr. Brock noted that this request has not been put out to bid at this point.

Motion approved 5 – 0.

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**ORDINANCE 2024-06** AN ORDINANCE TO SUPPLEMENT ORDINANCE 2021-20, WHICH APPROPRIATED AND AUTHORIZED THE EXPENDITURE OF THREE MILLION AND 00/100 (\$3,000,000.00) DOLLARS OF LOCAL CORONAVIRUS FISCAL RECOVERY FUNDING RECEIVED BY OONEE COUNTY UNDER THE AMERICAN RESCUE PLAN ACT OF 2021 (“ARPA”) FOR PURPOSES OF THE SENECA WATER AND WASTEWATER INFRASTRUCTURE PROJECT, BY AMENDING THE PROJECT’S SCOPE TO INCLUDE ADDITIONAL WATER SYSTEM IMPROVEMENTS; AND OTHER MATTERS RELATED THERETO.

Mr. Elliott made a motion, seconded by Mr. Davis, to approve **Ordinance 2024-06** on second reading.

Mr. Hart noted that he spoke to Bob with the City of Seneca and he was able to get answers to his (Mr. Hart) previous questions at a prior Council meeting regarding the above request.

Motion approved 5 – 0.

### **First Reading of the Following Ordinances**

*(Ordinance 2024-08 was inadvertently skipped and will follow the reading of Ordinance 2024-10.)*

**ORDINANCE 2024-10** AN ORDINANCE ESTABLISHING A BUDGETARY INCREASE LIMITATION FOR OONEE COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO.

Mr. Hart made a motion, seconded by Mr. Mize, to approve **Ordinance 2024-10** on first reading.

As requested by Mr. Davis, Mr. Durham noted that he requested the assistance of County Attorney, David Root, when composing **Ordinance 2024-10** and this ordinance is intended to help maintain the growth of the budget, to keep it in line with County growth and inflation.

Mr. Elliott inquired if the percentage change in the population of the County from the previous year and the Consumer Price Index numbers, both determined by the South Carolina Revenue and Fiscal Affairs Office, would be available to formulate the General Fund growth limitation before the third reading of the 2024/2025 budget.

Mr. Durham noted that these numbers would be available before third reading of the budget.

Mr. Davis offered lengthy comments in opposition to **Ordinance 2024-10** and noted that it is his belief that this ordinance will cause confusion among citizens regarding the budget.

Mr. Elliott made a motion to amend **Ordinance 2024-10**, under the title “1. General Fund growth limitation”, to include in parenthesis “Limitation for the budget year 2024-2025 is \_\_\_\_\_%” and for this percentage to be filled in before or at public hearing and third reading of the 2024/2025 budget.

Mr. Elliott noted to Mr. Durham that it is he belief that Ms. Brock, and the public, need to know the 2024/2025 budget limitation.

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Mr. Elliott removed his original motion due to lack of a second.

Lengthy discussion related to **Ordinance 2024-10** followed by Council.

Motion to approve **Ordinance 2024-10** on first reading approved 3 – 2 [Mr. Davis and Mr. Elliott opposed].

Mr. Root reminded Mr. Durham that **Ordinance 2024-08** was skipped.

**ORDINANCE 2024-08** AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AND SPECIAL SOURCE REVENUE CREDIT AGREEMENT, BY AND BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND PROJECT RED, ACTING FOR ITSELF, ONE OR MORE CURRENT OR FUTURE AFFILIATES, AND/OR OTHER PROJECT COMPANIES (COLLECTIVELY “COMPANY”), WITH RESPECT TO CERTAIN ECONOMIC DEVELOPMENT PROPERTY LOCATED IN OCONEE COUNTY; PROVIDING FOR A FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVE; PROVIDING FOR A SPECIAL SOURCE REVENUE CREDIT; AND DEVELOPING A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK BETWEEN OCONEE COUNTY AND PICKENS COUNTY SO AS TO DESIGNATE THE PROPERTY OF THE PROJECT AS PART OF THE PARK; AND OTHER RELATED MATTERS.

Mr. Elliott made a motion, seconded by Mr. Hart, approved 5 - 0, to approve **Ordinance 2024-08** on first reading.

### **First & Final Reading for the Following Resolutions**

**RESOLUTION 2024-01** A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A RURAL DEVELOPMENT ACT AGREEMENT BY AND BETWEEN OCONEE COUNTY AND BLUE RIDGE ELECTRIC COOPERATIVE, INC., REGARDING INFRASTRUCTURE INVESTMENT (SEWER SERVICE) BY BLUE RIDGE ELECTRIC COOPERATIVE, INC. IN THE AMOUNT OF TWO MILLION AND 00/100 (\$2,000,000.00) DOLLARS; TAX CREDITS AVAILABLE IN RELATION THERETO; AND OTHER RELATED MATTERS.

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 - 0, to approve **Resolution 2024-01** on first and final reading.

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## **Discussion Regarding Action Items**

**Title: 2025 Kenworth T-880 with Roll-Off Cable Hoist**

**Department: Solid Waste**

**Amount: \$275,633.00**

**Procurement was approved by Council in Fiscal Year 2023-2024 budget process.**

**Budget: \$275,633.00 Project Cost: \$275,633.00 Balance: \$0.00**

*(Funding from Capital Equipment / (325) Vehicle Fund)*

This Roll-Off truck is a 2025 Kenworth T-880 cab and chassis with a Galfab hoist. The hoist system consists of the rail system and cables used to pick-up waste containers and a tarp system to cover any open containers. The truck will be used to service roll-off containers at the County's 11 recycling centers, parks, and other departments as needed, as well as, recycling activities at industries and commercial facilities that participate in the commercial recycling program. The 2025 Kenworth Roll-Off truck meets the specifications required by the Solid Waste department.

Due to having multiple aging trucks and instability of parts availability, this will be an addition to the Solid Waste roll-off truck fleet until several newer trucks can be acquired to ensure there is no disruption of service for the recycle centers. The Vehicle Maintenance Director approves this purchase.

Pricing for the Kenworth Truck is from the Sourcewell national purchasing co-operative, contract number 060920-KTC for Kenworth Trucks. The contract discount is from 9.6% up to 44.6% off MSRP. For this purchase, the discount amount for Cab and Chassis is 34.5% off MSRP and for added items 0% markup. The Sourcewell contract allows government agencies to purchase directly from an authorized dealer. Sourcewell contracts are bid and awarded on a national level and purchases may be fulfilled by authorized local or state dealers. Worldwide Equipment Enterprises, Inc. of Columbia, SC is an Authorized Dealer for Kenworth.

This contract allows the Authorized Dealer to include added equipment or options at a cost of no more than 5% of the cost of the Cab and Chassis. Worldwide Equipment has opted not to charge the 5% markup allowed to include the Hoist and Tarp System. Worldwide Equipment Enterprises, Inc. will coordinate the installation of the Hoist and Tarp System; therefore, the County will issue one Purchase Order to Worldwide Equipment Enterprises, Inc.

***It is the staff's recommendation that Council approve the purchase of a 2025 Kenworth T-880 with Hoist and Tarp System to Worldwide Equipment Enterprises, Inc. of Columbia, SC in the amount of \$275,633.00, per Sourcewell Contract Number 060920-KTC.***

Mr. Davis made a motion, seconded by Mr. Elliott, to approve the purchase of a 2025 Kenworth T-880 with Hoist and Tarp System to Worldwide Equipment Enterprises, Inc. of Columbia, SC in the amount of \$275,633.00, per Sourcewell Contract Number 060920-KTC.

Mr. Hart inquired if the procurement department shopped comparison prices for this piece of equipment.

Ms. Tronda Popham, Procurement Director, explained to Council the process of procurement for this type of equipment request.

Motion approved 5 – 0.

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**Title: 55-Ton Globe Lowboy Trailer  
\$96,633.10**

**Department: Roads & Bridges Amount:**

**Procurement was approved by Council in Fiscal Year 2023-2024 budget process.**

**Budget: \$96,633.10 Project Cost: \$96,633.10 Balance: \$0.00**

*(Funding from Capital Equipment / (325) Vehicle Fund)*

This purchase is for a new 2024 or 2025 55-Ton Lowboy Trailer that will be used by the Roads and Bridges to transport heavy equipment throughout the county to job sites and to transport equipment and materials for other county departments when requested. Lead-time after receipt of order is 10 to 12 months; therefore, the year model will be a 2024 or 2025 depending on the build completion date.

After researching Lowboy Trailers that would meet the requirements of the department, staff determined that the Globe 55LB639549 Lowboy Trailer would best meet the needs of the Roads and Bridges Department.

This Lowboy Trailer will be replacing a 1999 Evans Trailer (201.15); which will be sold as surplus or replace older equipment used in other County departments. The Vehicle Maintenance Director approves this purchase.

Sourcewell has awarded Globe Trailer Mfg., Inc. contract # 092922-GLB for Globe Trailers. The contract discount is from 2% up to 15% off MSRP. For this purchase, the discount amount for Trailer is 15% and for added items 2%. This contract allows government agencies to purchase directly from the Manufacturer. Sourcewell Contracts are bid and awarded on a national level. Hills Machinery of Greenville, SC is an Authorized Dealer for Globe Trailer Mfg., Inc. Hills Machinery of Greenville, SC will service the equipment for any warranty work required.

***It is the staff's recommendation that Council approve the purchase of a Globe 55-Ton Lowboy Trailer from Globe Trailer Mfg., Inc. of Bradenton, FL, in the amount of \$96,633.10, per Sourcewell Contract # 092922-GLB.***

Mr. Hart made a motion, seconded by Mr. Davis, to approve the purchase of a Globe 55-Ton Lowboy Trailer from Globe Trailer Mfg., Inc. of Bradenton, FL, in the amount of \$96,633.10, per Sourcewell Contract # 092922-GLB.

At the request of Mr. Hart, Mr. Kyle Reid, Assistant Director of Public Works, offered details to Council regarding the above requested 55-Ton Lowboy Trailer.

Motion approved 5 – 0.

**Title: Engineering Services for Exit 4 - Master Sanitary Sewer Pump Station, Force Main and Limited Gravity Sewer**

**Department(s): Administration**

**Amount: \$123,845.00**

**Procurement was approved by Council in Fiscal Year 2023-2024 budget process.**

**Budget: \$123,845.00 Project Cost: \$123,845.00 Balance: \$0.00**

*(Funding from General Obligation Bond)*

At the June 1, 2022 meeting, Council approved the award of RFP 20-02 for On Call Engineering Services to Thomas & Hutton of Greenville, SC for Category E: On Call General Engineering Services. Administration wishes to contract with Thomas & Hutton to provide engineering services for the master sanitary sewer pump station, force main and limited gravity sewer at Exit 4. Thomas and Hutton will provide services that include General Consulting, Field Investigation Phase, Design Phase, Permit Phase, Construction Administration and monitoring during the Construction Phase and Closeout Phase.

The proposed pump station is expected to be located in the southwestern corner of the Project Tiger site, and the associated proposed force main will extend approximately 3,000 LF to the north through the site and then approximately 4,750 LF west along Highway 243 and a portion of gravity sewer along Doctors Road and W. Pine Grove Road in order to connect to a gravity main extension currently being designed and installed by others for OJRSA.

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*It is the staff's recommendation that Council approve Engineering Services for Exit 4 - Master Sanitary Sewer Pump Station, Force Main and Limited Gravity Sewer to Thomas and Hutton of Greenville, SC in the amount of \$123,845.00.*

Mr. Hart made a motion, seconded by Mr. Davis, to approve Engineering Services for Exit 4 - Master Sanitary Sewer Pump Station, Force Main and Limited Gravity Sewer to Thomas and Hutton of Greenville, SC in the amount of \$123,845.00.

Mr. Davis voiced his concerns related to the routing of the gravity sewer along Doctors Road and W. Pine Grove Road in Westminster.

Mr. Hart noted that the engineering plans of the gravity sewer route have been updated.

Ms. Brock confirmed that the drawings have been updated and will be re-submitted to the Oconee Joint Regional Sewer Authority for approval and provided a list of all services that will be included in the above request.

Motion approved 5 – 0.

### **Council Committee Reports**

None for this meeting.

### **Board & Commission Appointments**

#### **Planning Commission**

District IV seat: 2 questionnaires on file for this seat.

Mr. Davis made a nomination to appoint Mr. Joshua Owens as the District IV representative on the Planning Commission.

Mr. Davis confirmed with Mr. Root that with Mr. Owens' appointment to the Planning Commission, he is deemed to have resigned from his seat on the Agriculture Advisory Board and noted Mr. Owens was aware of this condition.

Nomination approved 5 – 0.

#### **Aeronautics Commission**

District IV seat: 1 questionnaire on file for this seat.

Mr. Davis made a nomination, approved 5 – 0, to appoint Mr. Wayne Rholetter as the District IV representative on the Aeronautics Commission.

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## **Executive Session**

Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to enter into Executive Sessions for the following purposes, as allowed for § 30-4-70(a) of the South Carolina Code of Laws:

1. *Council discussion regarding a contractual matter related to the City of Walhalla.*
2. *Receive legal advice and discuss contractual matter regarding building code enforcement.*
3. *Receive legal advice and discuss a contractual matter related to the Oconee Joint Regional Sewer Authority.*
4. *Receive legal advice and discuss a contractual issue related to the cities of Seneca, Walhalla and Westminster.*

Council entered into Executive Session at 6:54 p.m.

Council returned from Executive Session at 7:45 p.m. on a motion made by Mr. Elliott, seconded by Mr. Hart, approved 5 – 0.

As requested by County Attorney Mr. Root, Mr. Hart made a motion, seconded by Mr. Elliott, approved 5 – 0, to direct the County Attorney to investigate potential contractual claims related to the Oconee Joint Regional Sewer Authority.

## **Discussion Regarding Action Items**

*Discuss and approve (or ratify) the Intergovernmental Agreement between Oconee County and the City of Walhalla for Fire Protection and Other Emergency Response Services. (See Resolution 2023-15, included in the Backup Materials, regarding prior approval.)*

No action was taken on the above action item.

## **Adjourn:**

Mr. Elliott made a motion, approved unanimously, to adjourn at 7:46 p.m.

Respectfully Submitted:

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Jennifer C. Adams  
Clerk to Council

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